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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,432	03/27/2006	Yuzuru Fujiwara	450104-05628	9083
7590 William S. Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151		10/17/2007	EXAMINER WONG, LUT	
			ART UNIT 2129	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/531,432

Applicant(s)

FUJIWARA, YUZURU

Examiner

Lut Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is responsive to an AMENDMENT entered Sept 24, 2007 for the patent application 10/531432

The First Office Action of Jun 07, 2007 is fully incorporated into this Final Office Action by reference.

### ***Status of Claims***

Claim 5 is pending. Claim 5 has been amended.

### ***Information Disclosure Statement***

The information disclosure statement filed 4/15/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the references are in foreign language. It has been placed in the application file, but the information referred to therein has not been considered as to the merits.

### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive. In re pg. 6, applicant argues that a copy of International Search Report is submitted herewith, which provides an identifier regarding the status of the foreign language documents.

In response, 1) there is no International Search report submitted herewith the amendment. 2) The only search report found in IFW is submitted on April 14, 2005. However, such search report still fails to provide a concise explanation of relevancy

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because 1) those cited sections are still written in foreign language. 2) none of them are related to claim 15, which is the only claim pending in this application. As such, the Examiner does not know how these foreign references related to claim 15.

### ***Specification***

The disclosure is objected to because the summary of the Invention should be a brief and general statement of the Invention, not a couple of pages long. Appropriate correction is required.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. For example, the phrase "according to a computer system:" recited in [0358] is not a complete sentence.

The lengthy specification has not been checked to the extent necessary to determine the presence new matters. Applicant's numerous additions and deletions in the spec created huge burden for the Examiner to check for new matters. It is assumed that no new matter has been added based on applicant's remark.

### ***Claim Objections***

In re pg. 6, Applicant's cooperation is appreciated. Claim objection has been withdrawn.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 15 requires "means" plus functions. Since applicant's disclosure does not provide any structure for the functional means, the metes and bounds of the claims cannot be determined. In additions, such "means", when interpreted in light of fig.1, is reasonably interprets as a software routines. Since there is no physical structure provided in the claim, the metes and bounds of the "means" cannot be define.

***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive. In re pg. 6, applicant refers the Examiner to pgs 26-30, 34-36 and Figs. 1,2, 13, 18,19 for the structural support of "mean plus functions".

In response, 1) The cited passage and figs merely suggest some "units" as the means. A keyword search on the "unit" in the spec reveals only functional descriptions. There is no structural description found for those units.. 2) As set forth in the previous office action and in view of Fig. 1, such units are reasonably interpreted as software routines. 3) Applicant is requested to specifically point out where in the spec structural descriptions can be found for those units.

**Claim 15 is also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as set forth in the previous office action for reason of record.**

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

A few examples have been set forth in the previous office action that point out why the claim is unclear. However, there are no arguments presented for those rejections. It is thus considered as non-responsive or applicant's admission for the 112.2 rejection.

***Claim Rejections - 35 USC § 101***

**Claim 15 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, as set forth in the previous office action for reason of record.**

***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive. See the response for the 112.2 above.

***Claim Rejections - 35 USC § 102***

**Claim 15 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yuzuru Fujiwara ("learning/thinking mechanism and its applications to hyper brain computers" 1999), an admitted prior art (APA) by the applicant and translated by Mcelory translation company, as set forth in the previous office action for reason of record.**

***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive. In re pg. 7, applicant argues that Fujiwara reference fails to reject the cited portions of claim 15.

In response, 1) See the 112.2 rejections above that the cited portion is unclear. As such, the claim is interpreted with the broadest reasonable interpretation as set forth in the previous office action. 2) applicant is remind that [0005]-[0006] of applicant's disclosure clearly admits that a learning machine was proposed and applied. Also, applicant's disclosure further admits that such machine is capable of self organizing information and accumulated as knowledge. As such, the cited portions are anticipated. 3) The limitation of "if... completely coincide...then understand, if partly coincide...then generate new semantic relation", when interpreted in light of [0208]-[0209], means if a node match is found, use that to make inference; if not, new information maybe needed. These limitations are drawn to inference and semantic process, which was already addressed in the previous office action (See e.g. Fujiwara's Fig. 3. See also pg. 20 that it talks about generating new information and evaluating results (i.e. a match was

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found). See also pg. 19 that navigation and substitutions of structure are equivalent to semantic processing. See also pg. 14 on adding new attributes).

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lut Wong whose telephone number is (571) 270-1123. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent David can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lut Wong/

Patent Examiner, AU 2129

DAVID VINCENT  
SUPERVISORY PATENT EXAMINER